

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James B. Skelton,)	
)	C/A No. 3:12-1891-MBS
Plaintiff,)	
)	
vs.)	ORDER
)	
Daniel Eckstrom, Lexington County)	
Probate Court Judge,)	
)	
Defendant.)	
_____)	

Plaintiff James B. Skelton resides at RAPHA Residential Care in Gaston, South Carolina. Plaintiff, proceeding pro se, filed this action on July 6, 2012, alleging that Defendant Daniel Eckstrom has violated his civil rights by keeping him a “prisoner of the probate system.” ECF No. 1, 3. Plaintiff seeks a federal grand jury to investigate the Lexington County probate system as well as Defendant “to determine the exact dollar amount that [Defendant] has defrauded the government.” Id. at 4.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for a Report and Recommendation. On July 13, 2012, the Magistrate Judge issued a Report and Recommendation in which she noted that the federal court lacks authority to review final determinations of state courts. The Magistrate Judge further found that the complaint fails to state a claim upon which relief may be granted. The Magistrate Judge recommended that the complaint be summarily dismissed as frivolous. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The Report and Recommendation is adopted and incorporated herein by reference. Plaintiff’s complaint is dismissed, without prejudice.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Chief United States District Judge

Columbia, South Carolina

August 9, 2012.